

Amendment No. 85 to SB7001

**Kyle
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 7001*

House Bill No. 7001

by deleting section 3-6-306 in its entirety and instead substitute the following:

§ 3-6-306.

(a) Notwithstanding the provisions of any law to the contrary,

(1)

(A) The ethics commission may administratively assess a civil penalty of not more than twenty-five dollars (\$25.00) per day up to a maximum of seven hundred and fifty dollars (\$750.00) if an employer of a lobbyist::

(i) Fails, without good cause, to timely register or to timely update, correct or otherwise modify the employer's registration statement;

(ii) Fails, without good cause, to timely pay registration fee;

(iii) Fails, without good cause, to timely file the employer disclosure report;

(B) The ethics commission may administratively assess a civil penalty, not to exceed ten thousand dollars (\$10,000), if an employer of a lobbyist:

(i) Files information with the commission knowing or having reason to know that such information is inaccurate or incomplete;
or

(ii) Utilizes the services of a lobbyist knowing or having reason to know that the lobbyist has not registered or that the lobbyist's registration has expired without renewal or has been rejected, suspended or revoked by the ethics commission; or

(iii) Knowingly violates any provision of §§ 3-6-304 or 3-6-305, provided that for an initial violation of § 3-6-305 the commission may only assess a civil penalty up to two hundred percent (200%) of the value of any gift or twenty-five dollars (\$25.00) whichever is greater.

(2)

(A) The ethics commission may administratively assess a civil penalty of not more than twenty-five dollars (\$25.00) per day up to a maximum of seven hundred and fifty dollars (\$750.00) if a lobbyist:

(i) Fails, without good cause, to timely register or to timely update, correct or otherwise modify the lobbyist's registration statement or

(ii) Fails, without good cause, to timely pay a registration fee.

(B) The ethics commission may administratively assess a civil penalty, not to exceed ten thousand dollars (\$10,000), if a lobbyist:

(i) Files information with the commission knowing or having reason to know that such information is inaccurate or incomplete;

(ii) Engages in lobbying on behalf of an employer knowing or having reason to know that the employer has not registered or that the lobbyist's registration has expired without renewal or has been rejected, suspended or revoked by the ethics commission; or

(iii) Knowingly violates any provision of §§ 3-6-304 or 3-6-305, provided that for an initial violation of § 3-6-305 the commission may only assess a civil penalty up to two hundred percent (200%) of the value of any gift or twenty-five dollars (\$25.00) whichever is greater.

(3) The ethics commission may administratively assess a civil penalty, not to exceed ten thousand dollars (\$10,000), if any candidate for public office, official in the legislative or executive branch, or an immediate family member of such candidate or official knowingly violates any provision of §§ 3-6-304 or 3-6-305, provided that for an initial violation of § 3-6-305 the commission may only assess a civil penalty up to two hundred percent (200%) of the value of any gift or twenty-five dollars (\$25.00) whichever is greater. Additionally, if the commission determines that an egregious violation of either such section has been committed by a member of the general assembly, then it may report its findings and actions to the ethics committee of the appropriate house of the general assembly.

(b) Notwithstanding the provisions of any law to the contrary, the ethics commission may administratively place on probationary status, suspend, reject, or revoke the registration of any lobbyist who knowingly and persistently violates the provisions of this part. As used in this subsection, "persistently" means three (3) or more occasions during a two-year period of any general assembly.

(c) On its Internet site, the ethics commission shall promptly post the names of all employers and lobbyists who are:

(1) Delinquent in filing registration, registration statements or amendments thereto;

(2) Delinquent in filing disclosure reports;

(3) Delinquent in paying registration fees or civil penalties; or

(4) Found to have committed any other violation of this part.

Additionally, the commission shall post the names of all lobbyists having expired, probationary, suspended, rejected, or revoked registration. The commission shall also post the names of any other person found to have knowingly violated any provision of §§ 3-6-304 or 3-6-305.

(d) An intentional violation of this part constitutes a criminal offense and is punishable as a Class C misdemeanor for the first offense, as a Class B misdemeanor for the second offense, and as a Class A misdemeanor for the third and subsequent offenses.

(e) In the chancery court of Davidson County, the ethics commission may seek injunctive relief to prevent any employer of a lobbyist, lobbyist, candidate for public office, official in the legislative or executive branch, or the immediate family of such candidate or official from engaging in any continuing violation of this part.

(f) It is a Class B misdemeanor for any person to file with the ethics commission a sworn complaint, alleging a violation of this part, which is known to be false.